IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 718 OF 2006

IN

WRIT PETITION NO. 9864 OF 2003

Ashok Namdeo Mate ... Applicant

Versus

Tukaram Dattu Mate and Ors. ... Respondents.

Mr. V.Z. Kankaria for the applicant
Mr. Nitin Mule, instructed by G.S. Godbole, for respondent No.2.
Mrs. M.P. Thakur, Assistant Government Pleader, for respondent Nos. 3 and 4.

CORAM: **KSHITIJ R. VYAS, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **MARCH 27, 2006**.

P.C.

Having gone through the averments made in the application and having heard the learned counsel appearing for the parties, we allow this application by recalling our order dated 23rd February, 2006 dismissing the writ petition for default. Civil Application is accordingly allowed.

2. By consent, the petition is heard today on merits. In view of

the fact that the State Government has revised the impugned order, which has been challenged by the petitioner by filing another writ petition being Writ Petition No. 8264 of 2005, this petition, in our opinion, has become infructuous. Needless to say that it will be open for the petitioner to raise all contentions including the question of natural justice, launching of prosecution, etc. With this clarification, Writ Petition No. 9864 of 2003 is dismissed.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.